

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

VINNIE PIANTINI,

Plaintiff,

v.

BATH & BODY WORKS, LLC, a Foreign
Limited Liability Company,

Defendant.

JUDGE:

CASE NO.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and 1446 and the applicable Local Rules of the United States District Court for the Southern District of Florida, Defendant Bath & Body Works, LLC (“BBW”), hereby removes this action from the Eleventh Judicial Circuit Court, in Miami-Dade County, Florida to the United States District Court for the Southern District of Florida. In support thereof, Defendant states and avers as follows:

1. On or about February 9, 2022, Plaintiff Vinnie Piantini filed a Complaint in a civil action for money damages in the Eleventh Judicial Circuit, Miami-Dade County, Florida, against BBW, Filing No. 143577154 (the “State Action”).

2. The documents attached as Exhibit “A” constitute all of the process and pleadings served and filed in the State Action to date, pursuant to 28 U.S.C. § 1446(a).

3. A copy of the Complaint was served upon BBW on February 14, 2022.

4. This Notice of Removal (“Notice”) is filed in the United States District Court for the Southern District of Florida, within the district and division embracing the place where the State Action was filed, as required by 28 U.S.C. §§ 1332 and 1441(a).

5. Upon information and belief, Plaintiff is a citizen of the State of Florida.

6. BBW is a Delaware limited liability company with its principal place of business in Ohio. BBW is not a resident of Florida. BBW is a wholly owned subsidiary of Retail Store Operations, Inc., a Delaware corporation with its principal place of business in Ohio. For purposes of removal, neither BBW nor Retail Store Operations, Inc. are citizens of Florida.

7. Therefore, complete diversity of citizenship exists between Plaintiff and BBW.

8. In paragraph 1 of his Complaint, Plaintiff alleges her demand exceeds \$30,000.

9. In paragraph 12 of his Complaint, Plaintiff alleges she “suffered permanent losses, including but not limited to bodily injury resulting in pain, suffering, disability, disfigurement, mental anguish, emotional distress, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and aggravation or acceleration of pre-existing injury, loss of earnings, loss of ability to earn money and loss of personal property. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.”

10. On December 3, 2021, Plaintiff’s counsel submitted a demand to BBW for \$1,000,000, stating that at that time, Plaintiff’s medical bills were \$247,063.67. Plaintiff’s demand is attached hereto in Exhibit “B.”

11. Consequently, Plaintiff’s damages are in excess of \$75,000 pursuant to 28 U.S.C. § 1446(c)(3)(A).

12. This Notice is timely as it is being filed within thirty (30) days of service of Plaintiff’s Complaint. *See* 28 U.S.C. § 1446(b)(3).

13. The undersigned has served a Notice of Filing the Notice of Removal of this action on Plaintiff by serving his counsel and will also file a copy of this Notice and all attachments

thereto with the Eleventh Judicial Circuit Court in Miami-Dade County, Florida. A copy of the Notice of Filing of the Notice of Removal is attached hereto as Exhibit "C."

14. Defendant has satisfied all procedural requirements with respect to diversity of citizenship, amount in controversy and timing; therefore, removal to this Court is proper. *See* 28 U.S.C. §§ 1332, 1441, and 1446.

WHEREFORE, Defendant respectfully requests this case be entered upon the docket of the United States District Court for the Southern District of Florida, pursuant to 28 U.S.C. §§ 1441 and 1446.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the CM/ECF to all electronic filing participants with respect to this proceeding, this 24th day of February, 2022.

POZO-DIAZ & POZO, P.A.
Attorneys for the Defendant
9260 Sunset Drive, Suite 119
Miami, Florida 33173
Telephone: (305) 412-7360
Facsimile: (305) 412-7301
Email: eservice@pdplawyers.com
jpozo@pdplawyers.com

/s/Jaime A. Pozo

By: _____
Jaime A. Pozo, Esquire
Florida Bar No. 496561

SERVICE LIST

Scott M. Aigen, Esq.
AIGEN LAW FIRM, P.A.
Attorney for the Plaintiff
SunTrust International Center
1 SE 3rd Avenue, Suite 3020
Miami, Florida 33131
Telephone: (305) 533-1600
Facsimile: (305) 938-5029
Email: scott@aigenlaw.com